

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke  
Probation Against:

BEVERLY ANNE BAKER  
1360 Jean Avenue  
Porterville, California 93257

Registered Nurse License No. 602669

Respondent

Case No. 2005-119

OAH No.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on December 23, 2008.

IT IS SO ORDERED December 23, 2008.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 WILBERT E. BENNETT  
Supervising Deputy Attorney General  
3 CAROL S. ROMEO, State Bar No. 124910  
Deputy Attorney General  
4 1515 Clay Street, 20<sup>th</sup> Floor  
P.O. Box 70550  
5 Oakland, CA 94612-0550  
Telephone: (510) 622-2141  
6 Facsimile: (510) 622-2270

7 Attorneys for Complainant

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
Against:

12 BEVERLY ANNE BAKER  
13 1360 Jean Avenue  
Porterville, California 93257

14 Registered Nurse License No. 602669

15 Respondent.

Case No. 2005-119

OAH No.

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
23 by Carol S. Romeo, Deputy Attorney General.

24 2. Beverly Anne Baker (Respondent) is representing herself in this  
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about July 25, 2002, the Board of Registered Nursing issued  
27 Registered Nurse License No. 602669 to Beverly Anne Baker (Respondent). The Registered  
28 Nurse License expired on December 31, 2007, and has not been renewed.

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CONTINGENCY

10. The parties hereto acknowledge that this Stipulated Surrender of License and Order constitutes an offer in settlement to the Board and is not effective until adoption by said agency.

11. The parties hereto stipulate that in the event that this Stipulated Surrender of License and Order is not adopted by the Board, nothing herein recited shall be construed as a waiver of respondent's right to a hearing or as an admission of the truth of any of the matters charged in the accusation.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

ORDER

IT IS HEREBY ORDERED that the surrender of Registered Nurse License No. 602669, issued to Respondent Beverly Anne Baker, is accepted by the Board.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privilege as a Registered Nurse in California as of the effective date of the Decision.

3. Respondent shall cause to be delivered to the Board both her wall and pocket license on or before the effective date of the Decision and Order.

4. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations

and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. 2005-119 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation No. 2005-119 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for one (1) year from the effective date of the Board's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 9/19/08

Beverly Anne Baker  
Respondent

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1 ENDORSEMENT

2 The foregoing Stipulated Surrender of License and Order is hereby respectfully  
3 submitted for consideration by the Board.

4 9/30/08  
5 DATED: \_\_\_\_\_

6 EDMUND G. BROWN JR., Attorney General  
7 of the State of California

8 WILBERT E. BENNETT  
9 Supervising Deputy Attorney General

10 Carol S. Romeo

11 CAROL S. ROMEO  
12 Deputy Attorney General

13 Attorneys for Complainant  
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**Exhibit A**

**Petition to Revoke Probation No. 2005-119**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 WILBERT E. BENNETT  
Supervising Deputy Attorney General  
3 CAROL S. ROMEO, State Bar No. 124910  
Deputy Attorney General  
4 1515 Clay Street, 20<sup>th</sup> Floor  
P.O. Box 70550  
5 Oakland, CA 94612-0550  
Telephone: (510) 622-2141  
6 Facsimile: (510) 622-2270

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
Against:

Case No. 2005-119

12 BEVERLY ANNE BAKER  
13 1360 Jean Avenue  
Porterville, California 93257  
14 Registered Nurse License No. 602669

**PETITION TO REVOKE  
PROBATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to  
20 Revoke Probation solely in her official capacity as the Executive Officer of the Board of  
21 Registered Nursing, Department of Consumer Affairs.
- 22 2. On or about July 25, 2002, the Board of Registered Nursing issued  
23 Registered Nurse License Number 602669 to Beverly Anne Baker (Respondent). The  
24 Registered Nurse License expired on December 31, 2007, and has not been renewed.
- 25 3. In a disciplinary action entitled "In the Matter of Accusation Against  
26 Beverly Anne Baker," Case No. 2005-119, the Board of Registered Nursing, issued a decision,  
27 effective December 22, 2005, in which Respondent's Registered Nurse License was revoked.  
28 However, the revocation was stayed and Respondent's registered nurse license was placed on



1 probation for a period of three (3) years with certain terms and conditions. A copy of that  
2 decision is attached as Exhibit A and is incorporated by reference.

3 **FIRST CAUSE TO REVOKE PROBATION**

4 **(Comply with the Board's Probation Program)**

5 4. At all times after the effective date of Respondent's probation, Condition 2  
6 stated:

7 **Comply with the Board's Probation Program.** Respondent shall fully  
8 comply with the conditions of the Probation Program established by the  
9 Board and cooperate with representatives of the Board in its monitoring  
10 and investigation of the Respondent's compliance with the Board's  
11 Probation Program. Respondent shall inform the Board in writing within  
12 no more than 15 days of any address change and shall at all times maintain  
13 an active, current license status with the Board, including during any  
14 period of suspension.

15 Upon successful completion of probation, Respondent's license shall be  
16 fully restored.

17 5. Respondent's probation is subject to revocation because she failed to  
18 comply with Probation Condition 2, referenced above, by not notifying the Board of her change  
19 of address in a timely manner. Additionally, Respondent failed to comply with the terms and  
20 conditions of her probation by not complying with the conditions as stated therein.

21 **SECOND CAUSE TO REVOKE PROBATION**

22 **(Submit Written Reports)**

23 6. At all times after the effective date of Respondent's probation, Condition 5  
24 stated:

25 **Submit Written Reports.** Respondent, during the period of probation,  
26 shall submit or cause to be submitted such written reports/declarations and  
27 verification of actions under penalty of perjury, as required by the Board.  
28 These reports/declarations shall contain statements relative to  
Respondent's compliance with all the conditions of the Board's Probation  
Program. Respondent shall immediately execute all release of information  
forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory  
agency in every state and territory in which she has a registered nurse  
license.

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1           7.       Respondent's probation is subject to revocation because she failed to  
2 comply with Probation Condition 5, referenced above, by not submitting Quarterly Reports for  
3 the following quarters:

4                   Reporting Quarter

5                   January - March 2007

6                   April - June 2007

7                   July - September 2007

8                   October - December 2007

9                   **THIRD CAUSE TO REVOKE PROBATION**

10                  **(Function as a Registered Nurse)**

11               8.       At all times after the effective date of Respondent's probation, Condition 6  
12 stated, in pertinent part:

13                   **Function as a Registered Nurse.** Respondent, during the period of  
14 probation, shall engage in the practice of registered nursing in California  
15 for a minimum of 24 hours per week for 6 consecutive months or as  
16 determined by the Board.

17                   For purposes of compliance with the section, "engage in the practice of  
18 registered nursing" may include, when approved by the Board, volunteer  
19 work as a registered nurse, or work in any non-direct patient care position  
20 that requires licensure as a registered nurse.

21               9.       Respondent's probation is subject to revocation because she failed to  
22 comply with Probation Condition 6, referenced above, by not working as a registered nurse for a  
23 minimum of 24 hours per week for six continuous months.

24                   **FOURTH CAUSE TO REVOKE PROBATION**

25                  **(Complete a Nursing Course(s))**

26               10.     At all times after the effective date of Respondent's probation, Condition  
27 10 stated, in pertinent part:

28                   **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
enroll and successfully complete a course(s) relevant to the practice of  
registered nursing no later than six months prior to the end of her  
probationary term.

Respondent shall obtain prior approval from the Board before enrolling in  
the course(s). . . .

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1 11. Respondent's probation is subject to revocation because she failed to  
2 comply with Probation Condition 10, referenced above, by not completing the following required  
3 assigned courses: a four to six hour course in Professional Ethics/Legal Aspects of Nursing, and  
4 fifteen hours in nursing related courses.

5 **FIFTH CAUSE TO REVOKE PROBATION**

6 **(Cost Recovery)**

7 12. At all times after the effective date of Respondent's probation, Condition  
8 11 stated, in pertinent part:

9 **Cost Recovery.** Respondent shall pay to the Board costs associated with  
10 its investigation and enforcement pursuant to Business and Professions  
11 Code section 125.3 in the amount of \$3,741.75. Respondent shall be  
12 permitted to pay these costs in a payment plan approved by the Board, with  
13 payments to be completed no later than three months prior to the end of the  
14 probation term.

15 13. Respondent's probation is subject to revocation because she failed to  
16 comply with Probation Condition 11, referenced above, by not paying cost recovery. The balance  
17 is \$1,870.00.

18 **SIXTH CAUSE TO REVOKE PROBATION**

19 **(Physical Examination)**

20 14. At all times after the effective date of Respondent's probation, Condition  
21 14 stated, in pertinent part:

22 **Physical Examination.** Within 45 days of the effective date of this  
23 Decision, Respondent, at her expense, shall have a licensed physician,  
24 nurse practitioner, or physician assistant, who is approved by the Board  
25 before the assessment is performed, submit an assessment of the  
26 Respondent's physical condition and capability to perform the duties of a  
27 registered nurse. Such an assessment shall be submitted in a format  
28 acceptable to the Board. If medically determined, a recommended  
treatment program will be instituted and followed by the Respondent with  
the physician, nurse practitioner, or physician assistant providing written  
reports to the Board on forms provided by the Board.

15. Respondent's probation is subject to revocation because she failed to  
comply with Probation Condition 14, referenced above, by not submitting a physical evaluation.

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1                                    **SEVENTH CAUSE TO REVOKE PROBATION**

2                                    **(Abstain from Use of Psychotropic (Mood-Altering) Drugs)**

3                                    16.      At all times after the effective date of Respondent's probation, Condition  
4 16 stated, in pertinent part:

5                                    **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
6 shall completely abstain from the possession, injection or consumption by  
7 any route of all controlled substances and all psychotropic (mood altering)  
8 drugs, including alcohol, except when the same are ordered by a health care  
9 professional legally authorized to do so as part of documented medical  
10 treatment. Respondent shall have sent to the Board, in writing and within  
11 fourteen (14) days, by the prescribing health professional, a report  
12 identifying the medication, dosage, the date the medication was prescribed,  
13 the Respondent's prognosis, the date the medication will no longer be  
14 required, and the effect on the recovery plan, if appropriate.

15                                    17.      Respondent's probation is subject to revocation because she failed to  
16 comply with Condition 16, referenced above, by not abstaining from psychotropic drugs and  
17 alcohol in that Respondent checked into a rehabilitation center on November 2, 2006.

18                                    **EIGHTH CAUSE TO REVOKE PROBATION**

19                                    **(Submit to Tests and Samples)**

20                                    18.      At all times after the effective date of Respondent's probation, Condition  
21 18 stated, in pertinent part:

22                                    **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
23 random, biological fluid testing or a drug screening program which the Board  
24 approves. The length of time and frequency will be subject to approval by the  
25 Board. Respondent is responsible for keeping the Board informed of Respondent's  
26 current telephone number at all times. Respondent shall also ensure that messages  
27 may be left at the telephone number when she is not available and ensure that  
28 reports are submitted directly by the testing agency to the Board, as directed. Any  
confirmed positive finding shall be reported immediately to the Board by the  
program and Respondent shall be considered in violation of probation.

19                                    19.      Respondent's probation is subject to revocation because she failed to  
20 comply with Probation Condition 17, referenced above, by not complying with the random,  
21 biological fluid testing or drug testing program.

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1 **NINTH CAUSE TO REVOKE PROBATION**

2 **(Mental Health Examination)**

3 20. At all times after the effective date of Respondent's probation, Condition  
4 18 stated, in pertinent part:

5 **Mental Health Examination.** Respondent shall, within 45 days of the  
6 effective date of this Decision, have a mental health examination including  
7 psychological testing as appropriate to determine her capability to perform  
8 the duties of a registered nurse. The examination will be performed by a  
9 psychiatrist, psychologist or other licensed mental health practitioner  
10 approved by the Board. The examining mental health practitioner will  
submit a written report of that assessment and recommendations to the  
Board. All costs are the responsibility of Respondent. Recommendations  
for treatment, therapy or counseling made as a result of the mental health  
examination will be instituted and followed by Respondent.

11 21. Respondent's probation is subject to revocation because she failed to  
12 comply with Probation Condition 18, referenced above, by not submitting a mental health  
13 evaluation.

14 **TENTH CAUSE TO REVOKE PROBATION**

15 **(Therapy or Counseling Program)**

16 22. At all times after the effective date of Respondent's probation, Condition  
17 19 stated:

18 **Therapy or Counseling Program.** Respondent, at her expense, shall  
19 participate in an on-going counseling program until such time as the Board  
20 releases her from this requirement and only upon the recommendation of  
the counselor. Written progress reports from the counselor will be required  
at various intervals.

21 23. Respondent's probation is subject to revocation because she failed to  
22 comply with Probation Condition 19, referenced above, by not submitting verification of  
23 participation in an on-going therapy or counseling program.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
26 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

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- 1                   1.       Revoking the probation that was granted by the Board of Registered  
2 Nursing in Case No. 2005-119 and imposing the disciplinary order that was stayed thereby  
3 revoking Registered Nurse License No. 602669 issued to Beverly Anne Baker;  
4                   2.       Revoking or suspending Registered Nurse License No. 602669, issued to  
5 Beverly Anne Baker;  
6                   3.       Taking such other and further action as deemed necessary and proper.  
7

8 DATED: June 5, 2008  
9

10 Carol S. Romero

11 For →

12 RUTH ANN TERRY, M.P.H., R.N.  
13 Executive Officer  
14 Board of Registered Nursing  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant  
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CSR: 05/20/08

**Exhibit A**

**Decision and Order**

**Board of Registered Nursing Case No. 2005-119**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BEVERLY ANNE BAKER  
1931 Bristol Lane, Apt. 3  
Fairfield, California 94533

Registered Nurse License No. 602669

Respondent

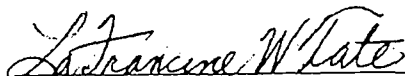
Case No. 2005-119

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on December 22, 2005.

IT IS SO ORDERED November 22, 2005.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California



1 BILL LOCKYER, Attorney General  
of the State of California  
2 CAROL S. ROMEO, State Bar No. 124910  
Deputy Attorney General  
3 California Department of Justice  
1515 Clay Street, 20<sup>th</sup> Floor  
4 P.O. Box 70550  
Oakland, CA 94612-0550  
5 Telephone: (510) 622-2141  
Facsimile: (510) 622-2270

6 Attorneys for Complainant  
7

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2005-119

12 **BEVERLY ANNE BAKER**  
1931 Bristol Lane, Apt. 3  
13 Fairfield, California 94533

OAH No. N2005080203

14 Registered Nurse License No. 602669

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.  
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, MPH, RN, (Complainant) is the Executive Officer of the  
21 Board of Registered Nursing. She brought this action solely in her official capacity and is  
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Carol  
23 S. Romeo, Deputy Attorney General.

24 2. Beverly Anne Baker (Respondent) is representing herself in this  
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about July 25, 2002, the Board of Registered Nursing issued  
27 Registered Nurse License No. 602669 to Beverly Anne Baker (Respondent). The Registered  
28 Nurse License was in full force and effect at all times relevant to the charges brought in

1 Accusation No. 2005-119 and will expire on December 31, 2005, unless renewed.

2 JURISDICTION

3 4. Accusation No. 2005-119 was filed before the Board of Registered  
4 Nursing (Board), and is currently pending against Respondent. The Accusation and all other  
5 statutorily required documents were properly served on Respondent on January 19, 2005.  
6 Respondent filed her Notice of Defense contesting the Accusation. A copy of Accusation No.  
7 2005-119 is attached as Exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations  
10 in Accusation No. 2005-119. Respondent has also carefully read, and understands the effects of  
11 this Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the  
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
14 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
15 the right to present evidence and to testify on her own behalf; the right to the issuance of  
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
17 reconsideration and court review of an adverse decision; and all other rights accorded by the  
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
20 each and every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in  
23 Accusation No. 2005-119.

24 9. Respondent agrees that her Registered Nurse License is subject to  
25 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
26 Disciplinary Order below.

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1 compliance with this condition, Respondent shall submit completed fingerprint forms and  
2 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
3 as part of the licensure application process.

4           **Criminal Court Orders:** If Respondent is under criminal court orders, including  
5 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
6 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

7           **2. Comply with the Board's Probation Program.** Respondent shall fully  
8 comply with the conditions of the Probation Program established by the Board and cooperate  
9 with representatives of the Board in its monitoring and investigation of the Respondent's  
10 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
11 within no more than 15 days of any address change and shall at all times maintain an active,  
12 current license status with the Board, including during any period of suspension.

13           Upon successful completion of probation, Respondent's license shall be fully  
14 restored.

15           **3. Report in Person.** Respondent, during the period of probation, shall  
16 appear in person at interviews/meetings as directed by the Board or its designated  
17 representatives.

18           **4. Residency, Practice, or Licensure Outside of State.** Periods of  
19 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
20 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
21 of California. Respondent must provide written notice to the Board within 15 days of any change  
22 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
23 returning to practice in this state.

24           Respondent shall provide a list of all states and territories where she has ever been  
25 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
26 provide information regarding the status of each license and any changes in such license status  
27 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
28 new nursing license during the term of probation.

1                   5.       **Submit Written Reports.** Respondent, during the period of probation,  
2 shall submit or cause to be submitted such written reports/declarations and verification of actions  
3 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
4 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
5 Program. Respondent shall immediately execute all release of information forms as may be  
6 required by the Board or its representatives.

7                   Respondent shall provide a copy of this Decision to the nursing regulatory agency  
8 in every state and territory in which she has a registered nurse license.

9                   6.       **Function as a Registered Nurse.** Respondent, during the period of  
10 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
11 hours per week for 6 consecutive months or as determined by the Board.

12                  For purposes of compliance with the section, "engage in the practice of registered  
13 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
14 work in any non-direct patient care position that requires licensure as a registered nurse.

15                  The Board may require that advanced practice nurses engage in advanced practice  
16 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
17 Board.

18                  If Respondent has not complied with this condition during the probationary term,  
19 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
20 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
21 grant an extension of Respondent's probation period up to one year without further hearing in  
22 order to comply with this condition. During the one year extension, all original conditions of  
23 probation shall apply.

24                  7.       **Employment Approval and Reporting Requirements.** Respondent  
25 shall obtain prior approval from the Board before commencing or continuing any employment,  
26 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
27 performance evaluations and other employment related reports as a registered nurse upon request  
28 of the Board.

1 Respondent shall provide a copy of this Decision to her employer and immediate  
2 supervisors prior to commencement of any nursing or other health care related employment.

3 In addition to the above, Respondent shall notify the Board in writing within  
4 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
5 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
6 terminated or separated, regardless of cause, from any nursing, or other health care related  
7 employment with a full explanation of the circumstances surrounding the termination or  
8 separation.

9 8. **Supervision.** Respondent shall obtain prior approval from the Board  
10 regarding Respondent's level of supervision and/or collaboration before commencing or  
11 continuing any employment as a registered nurse, or education and training that includes patient  
12 care.

13 Respondent shall practice only under the direct supervision of a registered nurse  
14 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
15 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
16 are approved.

17 Respondent's level of supervision and/or collaboration may include, but is not  
18 limited to the following:

19 (a) Maximum - The individual providing supervision and/or collaboration is  
20 present in the patient care area or in any other work setting at all times.

21 (b) Moderate - The individual providing supervision and/or collaboration is in  
22 the patient care unit or in any other work setting at least half the hours Respondent works.

23 (c) Minimum - The individual providing supervision and/or collaboration has  
24 person-to-person communication with Respondent at least twice during each shift worked.

25 (d) Home Health Care - If Respondent is approved to work in the home health  
26 care setting, the individual providing supervision and/or collaboration shall have person-to-  
27 person communication with Respondent as required by the Board each work day. Respondent  
28 shall maintain telephone or other telecommunication contact with the individual providing

1 supervision and/or collaboration as required by the Board during each work day. The individual  
2 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
3 site visits to patients' homes visited by Respondent with or without Respondent present.

4           9.       **Employment Limitations.** Respondent shall not work for a nurse's  
5 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
6 traveling nurse, or for an in-house nursing pool.

7           Respondent shall not work for a licensed home health agency as a visiting nurse  
8 unless the registered nursing supervision and other protections for home visits have been  
9 approved by the Board. Respondent shall not work in any other registered nursing occupation  
10 where home visits are required.

11           Respondent shall not work in any health care setting as a supervisor of registered  
12 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
13 nurses and/or unlicensed assistive personnel on a case-by-case basis.

14           Respondent shall not work as a faculty member in an approved school of nursing  
15 or as an instructor in a Board approved continuing education program.

16           Respondent shall work only on a regularly assigned, identified and predetermined  
17 worksite(s) and shall not work in a float capacity.

18           If Respondent is working or intends to work in excess of 40 hours per week, the  
19 Board may request documentation to determine whether there should be restrictions on the hours  
20 of work.

21           10.       **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
22 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
23 than six months prior to the end of her probationary term.

24           Respondent shall obtain prior approval from the Board before enrolling in the  
25 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
26 completion for the above required course(s). The Board shall return the original documents to  
27 Respondent after photocopying them for its records.

28 //

1                   11.     **Cost Recovery.** Respondent shall pay to the Board costs associated with  
2 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
3 amount of \$1,870.00. Respondent shall be permitted to pay these costs in a payment plan  
4 approved by the Board, with payments to be completed no later than three months prior to the  
5 end of the probation term.

6                   If Respondent has not complied with this condition during the probationary term,  
7 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
8 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
9 grant an extension of Respondent's probation period up to one year without further hearing in  
10 order to comply with this condition. During the one year extension, all original conditions of  
11 probation will apply.

12                   12.     **Violation of Probation.** If Respondent violates the conditions of her  
13 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
14 aside the stay order and impose the revocation of Respondent's license.

15                   If during the period of probation, an accusation or petition to revoke probation has  
16 been filed against Respondent's license or the Attorney General's Office has been requested to  
17 prepare an accusation or petition to revoke probation against Respondent's license, the  
18 probationary period shall automatically be extended and shall not expire until the accusation or  
19 petition has been acted upon by the Board.

20                   13.     **License Surrender.** During Respondent's term of probation, if she ceases  
21 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
22 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
23 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
24 take any other action deemed appropriate and reasonable under the circumstances, without  
25 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
26 will no longer be subject to the conditions of probation.

27                   Surrender of Respondent's license shall be considered a disciplinary action and  
28 shall become a part of Respondent's license history with the Board. A registered nurse whose



1 license has been surrendered may petition the Board for reinstatement no sooner than the  
2 following minimum periods from the effective date of the disciplinary decision:

3 (1) Two years for reinstatement of a license that was surrendered for any  
4 reason other than a mental or physical illness; or

5 (2) One year for a license surrendered for a mental or physical illness.

6 14. **Physical Examination.** Within 45 days of the effective date of this  
7 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
8 physician assistant, who is approved by the Board before the assessment is performed, submit an  
9 assessment of the Respondent's physical condition and capability to perform the duties of a  
10 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
11 medically determined, a recommended treatment program will be instituted and followed by the  
12 Respondent with the physician, nurse practitioner, or physician assistant providing written  
13 reports to the Board on forms provided by the Board.

14 If Respondent is determined to be unable to practice safely as a registered nurse,  
15 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
16 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
17 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
18 shall immediately cease practice and shall not resume practice until notified by the Board.  
19 During this period of suspension, Respondent shall not engage in any practice for which a license  
20 issued by the Board is required until the Board has notified Respondent that a medical  
21 determination permits Respondent to resume practice. This period of suspension will not apply  
22 to the reduction of this probationary time period.

23 If Respondent fails to have the above assessment submitted to the Board within  
24 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
25 practice until notified by the Board. This period of suspension will not apply to the reduction of  
26 this probationary time period. The Board may waive or postpone this suspension only if  
27 significant, documented evidence of mitigation is provided. Such evidence must establish good  
28 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be

1 provided. Only one such waiver or extension may be permitted.

2                   **15. Participate in Treatment/Rehabilitation Program for Chemical**  
3 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
4 period or shall have successfully completed prior to commencement of probation a Board-  
5 approved treatment/rehabilitation program of at least six months duration. As required, reports  
6 shall be submitted by the program on forms provided by the Board. If Respondent has not  
7 completed a Board-approved treatment/rehabilitation program prior to commencement of  
8 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
9 a program. If a program is not successfully completed within the first nine months of probation,  
10 the Board shall consider Respondent in violation of probation.

11                   Based on Board recommendation, each week Respondent shall be required to  
12 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
13 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
14 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
15 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
16 such attendance to the Board during the entire period of probation. Respondent shall continue  
17 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
18 mental health examiner and/or other ongoing recovery groups.

19                   **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
20 shall completely abstain from the possession, injection or consumption by any route of all  
21 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when  
22 the same are ordered by a health care professional legally authorized to do so as part of  
23 documented medical treatment. Respondent shall have sent to the Board, in writing and within  
24 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
25 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the  
26 medication will no longer be required, and the effect on the recovery plan, if appropriate.

27                   Respondent shall identify for the Board a single physician, nurse practitioner or  
28 physician assistant who shall be aware of Respondent's history of substance abuse and will

1 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
2 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
3 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
4 condition. If any substances considered addictive have been prescribed, the report shall identify a  
5 program for the time limited use of any such substances.

6 The Board may require the single coordinating physician, nurse practitioner, or  
7 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
8 addictive medicine.

9 17. **Submit to Tests and Samples.** Respondent, at her expense, shall  
10 participate in a random, biological fluid testing or a drug screening program which the Board  
11 approves. The length of time and frequency will be subject to approval by the Board.  
12 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
13 number at all times. Respondent shall also ensure that messages may be left at the telephone  
14 number when she is not available and ensure that reports are submitted directly by the testing  
15 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
16 to the Board by the program and Respondent shall be considered in violation of probation.

17 In addition, Respondent, at any time during the period of probation, shall fully  
18 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
19 tests and samples as the Board or its representatives may require for the detection of alcohol,  
20 narcotics, hypnotics, dangerous drugs, or other controlled substances.

21 If Respondent has a positive drug screen for any substance not legally authorized  
22 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
23 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
24 from practice pending the final decision on the petition to revoke probation or the accusation.  
25 This period of suspension will not apply to the reduction of this probationary time period.

26 If Respondent fails to participate in a random, biological fluid testing or drug  
27 screening program within the specified time frame, Respondent shall immediately cease practice  
28 and shall not resume practice until notified by the Board. After taking into account documented

1 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
2 Board may suspend Respondent from practice pending the final decision on the petition to  
3 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
4 this probationary time period.

5           18.     **Mental Health Examination.** Respondent shall, within 45 days of the  
6 effective date of this Decision, have a mental health examination including psychological testing  
7 as appropriate to determine her capability to perform the duties of a registered nurse. The  
8 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
9 practitioner approved by the Board. The examining mental health practitioner will submit a  
10 written report of that assessment and recommendations to the Board. All costs are the  
11 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
12 result of the mental health examination will be instituted and followed by Respondent.

13           If Respondent is determined to be unable to practice safely as a registered nurse,  
14 the licensed mental health care practitioner making this determination shall immediately notify  
15 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
16 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
17 practice and may not resume practice until notified by the Board. During this period of  
18 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
19 is required, until the Board has notified Respondent that a mental health determination permits  
20 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
21 probationary time period.


22           If Respondent fails to have the above assessment submitted to the Board within  
23 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
24 practice until notified by the Board. This period of suspension will not apply to the reduction of  
25 this probationary time period. The Board may waive or postpone this suspension only if  
26 significant, documented evidence of mitigation is provided. Such evidence must establish good  
27 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
28 provided. Only one such waiver or extension may be permitted.

1           19.    **Therapy or Counseling Program.** Respondent, at her expense, shall  
2 participate in an on-going counseling program until such time as the Board releases her from this  
3 requirement and only upon the recommendation of the counselor. Written progress reports from  
4 the counselor will be required at various intervals.

5  
6                                   ACCEPTANCE

7           I have carefully read the Stipulated Settlement and Disciplinary Order. I  
8 understand the stipulation and the effect it will have on my Registered Nurse License. I enter  
9 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
10 and agree to be bound by the Decision and Order of the Board.

11 DATED: \_\_\_\_\_

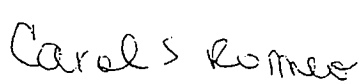
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13                                     
14 BEVERLY ANNE BAKER  
15 Respondent

16                                   ENDORSEMENT

17           The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
18 submitted for consideration by the Board.

19  
20 DATED: 9/19/05

21                                   BILL LOCKYER, Attorney General  
22 of the State of California

23                                     
24 CAROL S. ROMEO  
25 Deputy Attorney General

26 Attorneys for Complainant  
27  
28

**Exhibit A**  
**Accusation No. 2005-119**

BILL LOCKYER, Attorney General  
of the State of California  
CAROL S. ROMEO, State Bar No. 124910  
Deputy Attorney General  
California Department of Justice  
1515 Clay Street, 20<sup>th</sup> Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 622-2141  
Facsimile: (510) 622-2270

Attorneys for Complainant

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2005-119

BEVERLY ANNE BAKER  
1362 Sanderling Drive  
Fairfield, California 94533

ACCUSATION

Registered Nurse License No. 602669

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, MPH, RN (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing.

2. On or about July 25, 2002, the Board of Registered Nursing issued Registered Nurse License Number 602669 to Beverly Anne Baker (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2005, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

"(a) Unprofessional conduct . . . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

2



1 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
2 injurious to himself or herself, any other person, or the public or to the extent that such use  
3 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
4 license.

5 "(c) Be convicted of a criminal offense involving the prescription, consumption,  
6 or self-administration of any of the substances described in subdivisions (a) and (b) of this  
7 section, or the possession of, or falsification of a record pertaining to, the substances described in  
8 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
9 thereof.

10 " . . . .

11 8. Section 490 of the Code states, in pertinent part, that "[a] board may  
12 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the  
13 crime is substantially related to the qualifications, functions, or duties of the business or  
14 profession for which the license was issued. A conviction within the meaning of this section  
15 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action  
16 which a board is permitted to take following the establishment of a conviction may be taken  
17 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,  
18 or when an order granting probation is made suspending the imposition of sentence, irrespective  
19 of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

20 9. Section 125.3 of the Code provides, in pertinent part, that the Board may  
21 request the administrative law judge to direct a licensee found to have committed a violation or  
22 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
23 and enforcement of the case.

24 10. Title 16, California Code of Regulations, section 1444, states, in pertinent  
25 part:

26 "A conviction or act shall be considered to be substantially related to the  
27 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
28 present or potential unfitness of a registered nurse to practice in a manner consistent with the

1 public health, safety, or welfare.

2 . . .

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Crime Involving a Controlled Substance or Dangerous Drug)**

5 11. Respondent is subject to discipline under section 2761(a) of the Code on the  
6 grounds of unprofessional conduct as defined by section 2762(c) of the Code in that on or about  
7 July 28, 2003, in Tulare County Superior Court, State of California, Case Number CR-M-03-  
8 0110341-2, entitled The People of the State of California v. Beverly Anne Baker, Respondent  
9 was convicted by the court on her plea of nolo contendere of one count of violating Vehicle Code  
10 section 23152(a) (driving under the influence of alcohol or drugs), a misdemeanor; one count of  
11 violating Health and Safety Code section 11550(a) (unlawfully using and being under the  
12 influence of a controlled substance, to wit, Methamphetamine), a misdemeanor; and one count of  
13 violating Vehicle Code section 12500(a) (unlawfully driving a motor vehicle without holding a  
14 valid driver's license), a misdemeanor. Said convictions are now final. The factual  
15 circumstances of the conviction for violating Health and Safety Code section 11550(a) are as  
16 follows:

17 a. On or about March 7, 2003, in Tulare County, Respondent unlawfully used  
18 and was under the influence of a controlled substance, to wit, Methamphetamine, while driving a  
19 vehicle in Porterville, California, thereby endangering herself and the public's health and safety.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Substantially Related Convictions)**

22 12. Respondent is subject to discipline under sections 2761(f) and 490 of the  
23 Code in that on or about July 28, 2003, respondent was convicted of crimes, as set forth in  
24 paragraph 11 above, which are substantially related to the qualifications, functions, or duties of a  
25 registered nurse, pursuant to Title 16, California Code of Regulations, section 1444.

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13. Respondent is subject to discipline under section 2761(a) of the Code on the grounds of unprofessional conduct as defined by section 2762(a) of the Code, in that on or about March 7, 2003, in Porterville, California, she obtained, possessed, and self-administered a controlled substance, to wit, Methamphetamine.

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14. Respondent is subject to discipline under Code section 2761(a) on the grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about March 7, 2003, in Porterville, California, Respondent used and was under the influence of a controlled substance, to wit, Methamphetamine, while driving a vehicle. Said conduct was dangerous to herself, her passengers, and the public.

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WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 602669, issued to Beverly Anne Baker;

2. Ordering Beverly Anne Baker to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 1/5/05

Inna Brack for  
RUTH ANN TERRY, MPH RN  
Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

SF2004401399  
Baker.Beverly.Anne  
CSR: 12/07/04